

acted on the bill despite the fact that the legislation has important implications for matters under the jurisdiction of those that did not meet to consider it.

Of the two committees that acted on the bill, Government Reform and Oversight and Rules, only the Committee on Rules held a hearing and our hearing was brief. We heard from only three public witnesses.

What happened in the case of the Committee on Government Reform and Oversight is particularly egregious. Although Government Reform is the committee which has principal jurisdiction over the bill, not one hearing was held on it there. Groups and individuals that will be affected by this legislation had no opportunity to make their views known before the committee acted. The committee marked up the bill just 6 days after the bill had been introduced which limited the opportunity even of members of the committee to adequately review the bill, receive comments, develop alternatives and amendments. Proponents of the legislation have rationalized the shortcoming of the legislative process by saying that the Committee on Government Operations held a number of hearings on unfunded mandate legislation in the last Congress. But the bill the committee considered last year was significantly different from the one introduced and before us this year.

Furthermore, 31 out of 51, well over half of the members of the committee itself, did not serve on Committee on Government Operations last year, in the last Congress. For them, the hastily scheduled markup on a freshly introduced bill was their initiation to this complex major issue of unfunded mandates. Had our committees had more time to work with this bill, we might have had some of the answers that we ought to have before we move forward with the bill.

For example, does this bill prohibit consideration of reauthorization of laws that contain unfunded mandates currently in effect? It is apparently the intent of the sponsors to exclude existing mandates but it is not clear whether a minor change in a law would disqualify a reauthorization from being considered as such.

Which Federal activities are included in those which are to be prohibited under our rules? And which are exempted? The bill is not clear on that point.

Will this bill give public sector enterprises such as power generators and waste treatment facilities a competitive advantage over private sector counterparts and will that deter efforts to privatize existing governments activities that might be better handled and more efficiently handled by the private sector?

This bill provides a way for us to vote to waive the rule against legislation containing an unfunded mandate before a ruling is made on whether in fact it contains an unfunded mandate.

How are we to decide whether to waive that rule when we do not even know if the legislation in fact contains an unfunded mandate or exactly how much that unfundness is?

The list goes on and on. This is very problematic legislation and questions about the way it will work and the impact it will have will spill out over the next several days as Members will see as we consider amendment after amendment to this bill. The price we will pay for not having done a responsible job in this legislation in our committees, not having laid the groundwork there, will be protracted debate and an immense amount of confusion over the bill on the floor of the House of Representatives. Anyone watching these proceedings will surely question whether we have any clue at all as to what we are doing with this bill.

Mr. Speaker, we are well aware that the reason for the speedy consideration of the legislation is to enable our Republican friends to fulfill their Contract With America by getting all the bills listed in that document to the floor within 100 days. But as one of the witnesses at the Committee on Rules hearing said,

It is ironic that a bill supposedly intended to assure that the impacts of congressional actions are fully understood should be moved forward so hastily that no time or opportunity exists for understanding or evaluating its own impacts.

Mr. Speaker, this process is troubling in the extreme. In fact, it is a disgrace. It is also an affront to the American people who have every right to expect us to proceed with care and thoughtfulness when we write major pieces of legislation.

Mr. Speaker, I truly believe the American people will forgive our Republican friends a little slippage in the timetable for acting on the Contract if the end result is better written, more fully understood legislation.

Let us take what we all know is the right and responsible course of action here. Let us send this bill back to the four committees of jurisdiction for hearings and proper consideration which could be done over just the next couple of weeks and then when we bring it up on the House floor we will have both a much better product and a much better idea of what we are voting on.

I urge my colleagues to vote "no" on the rule.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, we have an extraordinarily impressive cadre of new members of the Committee on

Rules. I yield 2½ minutes to one of them, the gentleman from Tucker, GA [Mr. LINDER].

Mr. LINDER. I thank the gentleman for yielding me the time.

Mr. Speaker, while it is tempting to debate the contents of the unfunded mandate bill at this time, this debate is actually on the rule.

The debate we begin this morning shows that the new majority continues to keep its promises that we made to the American people. Two weeks ago we opened up the House and today we begin with free and open debate on H.R. 5, the Unfunded Mandate Reform Act and the rule attendant thereto.

As a member of the Committee on Rules, I want to comment on two specific aspects of this bill affected by the committee.

First I am pleased that every Member of the House has the opportunity to vote on a rule that we did not see very much of in recent years, an entirely open rule. During the past 2 years it was extremely rare for us to encounter many rules which allowed the House to engage in free and open debate. In fact it was not until May 1993 that we saw our first open rule in the 103d Congress.

Second, while the Congress has recognized the fiscal crisis that our State and local governments face in their attempts to absorb the costs of Federal mandates, Congress has been unable to find the will to curb its addiction to imposing these costly regulations. As a result, title III of this bill institutes new House enforcement procedures to terminate the casual practice of passing these unfunded mandates.

First, any bill reported by a committee containing intergovernmental or private sector mandates is subject to a point of order on the House floor unless the committee has published a CBO estimate. This is a straightforward, fiscally responsible reform. If a Member is not willing to find out how much a bill costs, then the bill cannot be considered.

Second, any bill, joint resolution, amendment or conference report which imposes mandates over \$50 million on State and local governments is subject to a point of order on the House floor, unless the mandate is funded. This new rule plainly states that legislation exceeding the declared threshold and not paid for will not be considered.

And third, any rule waiving the point of order is also subject to a point of order. This special obstacle assures that the Rules Committee will not merely suspend the thoughtful deliberation and accountability that the bill is designed to enforce.

I am certain that federalism in America was not intended to mean that our Governors and State and local officials were elected simply to serve as administrators of expensive Federal programs. This legislation allows the Congress to move away from coercive federalism and permits the States to focus on State and local priorities. I strongly support the passage of H.R. 5